Remarks

In the non-final Office Action dated March 23, 2010, it is noted that claims 1-18 are currently pending; that claims 1-8 and 13-18 stand rejected under 35 U.S.C. §101; that claims 1-18 are objected to because of certain informalities; that claims 5-8 and 9-16 stand rejected under 35 U.S.C. §112; that claims 1-18 stand rejected under 35 U.S.C. §103. By this amendment, various claims have been amended; and claims 5, 12, and 17-18 have been cancelled. The amendments to the claims are proper, justified and supported by the specification and claims, as originally filed. No new matter has been added.

Cited Art

The references cited and applied against the claims are listed as follows: U.S. Patent No. 6,690,657 to Lau (hereinafter Lau); U.S. Patent Publication Application No. US 2006/0179128 to Haulin, et al. (hereinafter Haulin); and U.S. Patent No 3793484 to Feezor (hereinafter Feezor).

Rejection of claims 5-8 and 9-16 under 35 U.S.C. §112

Claims 9-16 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. The rejection is respectfully traversed.

The Office action asserts that the "transceiver means for transmitting and receiving message" is not adequately described in the specification. Claims 9-16 has been amended to recite a "radio unit" to replace "transceiver means." It is respectfully submitted that the specification adequately describes the functionality and structure of the radio unit in such a way that enables one skilled in the art to make and/or use the invention. The radio unit is described, for example, in paragraphs [034] - [037] and illustrated in Fig. 3.

In addition, claims 9 and 13 have been amended to recite "a microcontroller for establishing a product intranet according to the blueprint." The microcontroller is

described at least in paragraphs 33-35. In view of the amendments to claims 9 and 13, withdrawal of the rejection is respectfully submitted.

Claims 5-8, 9-16 and 12 stand rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 has been cancelled. Claims 9 and 13 have been amended to correct, in part, the deficiencies noted in the Office action. Claim 12 has been cancelled. In view of the proposed amendments, withdrawal of the rejection is respectfully submitted.

Rejection of Claims 1-8 and 13-18 under 35 U.S.C. § 101

Claims 1-8 and 13-18 are rejected under 35 U.S.C. § 101, as allegedly being directed to a non-statutory subject matter. The rejection is respectfully traversed.

With regard to base claim 1, the Office action asserts that claim 1 is directed to a process and that the claim's language does not include the required tie to a particular machine or apparatus or transformation, and thus is directed to non-statutory subject matter. Claim 1 is directed to manufacturing of electronic products. The operations recited in claim 1 clearly perform transformation of a collection of modules into a product. The product includes selected modules that communicate using a product intranet and together perform the overall function of the product. This is a real physical change. In addition, the resulting product is a real physical article. As such, Applicant respectfully submits that claim 1 performs a transformation under the "machine or transformation" test and thus qualify as patent-eligible subject matter under 35 U.S.C. § 101.

With regard to claims 13-16, the Office action asserts that these claims are directed to software, per se, which is not a patentable subject matter. Applicants respectfully disagree. Claim 13 recites a radio unit, a storage memory, and a microcontroller which are structural elements of an apparatus. Nowhere in the specification of the present application it is stated that these elements can be implemented only in software. In addition to the recited structure the respective claims further recite a function(s) performed by each structural element. It is respectfully

submitted that there is no prohibition against functions being realized by structural elements. The BPAI recently reminded an Examiner in *Ex parte* William E. Mazzara Decided: February 5, 2009 that "[c]laims should be evaluated by their limitations, not by what they incidentally cover." *In re Warmerdam*, 33 F.3d 1354, 1359 (Fed. Cir. 1994). Therefore, each of claims 13-16 includes a statutory subject matter. Withdrawal of this rejection is respectfully requested.

Claims 17 and 18 have been canceled, thus the rejection is moot.

Rejection of claims 1-5, 8-9, 12-13, and 15-18 under 35 U.S.C. §103(a)

Claims 1-5, 8-9, 12-13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable Haulin. Applicants respectfully traverse this rejection.

With regard to claim 1:

Claim 1 teaches a method for manufacturing an electronic product from a plurality of reusable electronic modules. Haulin as a whole teaches away from the claimed method. Haulin appears to teach a method allowing the programming and reconfiguring of modules, which are included in a node of a communications network (140). *See Haulin abstract.* Applicants submit that configuring a node in a network cannot be viewed as suggesting the features of claim 1 and being directed to manufacturing of an electronic product.

Specifically, claim 1 recites, in part, "accessing a product intranet blueprint describing modules required for the product, wherein the modules operable to transmit and receive wireless messages according to a product intranet, each module including description data which describes its capabilities, and wherein at least one module is a primary module operable to establish and co-ordinate said product intranet; selecting modules for the product including the primary module based on modules respective description data and the product intranet blueprint;"

These claim features are not shown or even suggested by Haulin. Haulin describes a communication module that includes a digital storage unit (MI) which holds information pertaining to accomplishment of a primary function of the communication

module. The primary function includes receiving incoming data traffic, performing switching operations, and transmitting outgoing data traffic. The Office action concludes that it is implied that the digital storage unit (M1) in Haulin contains product information describing the required parts for the product. The Office action does not provide any reasoning to support this conclusion. From Haulin's disclosure, it is clear that the digital storage unit stores data required for performing the primary function. In addition, Haulin at paragraph [037] states that in order to provide programmable communication module the contents of the digital storage unit (M1) are modified during the operation of the module. Thus, Haulin's digital storage unit (M1) does not contain any information for selection of modules for the product and such option is not even suggested.

In addition, the Office action asserts that the Haulin shows a communication module CM_1, which is connected to a node (110) of a communications network (140). The node may include a plurality of communication modules CM_2,..., CM_n similar to the module CM_1. The Office action concludes that this teaching implies that the modules are selected based on its capabilities and the product blueprint. Again, the Office action does not present a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the Haulin.

The mere fact that the node (110) includes a plurality of modules does not teach the selection step of modules during the manufacturing process, as claimed by Applicants. The node (110) operates in the network (140), and as such all, its communication modules are installed therein. There is no clear need to select certain modules to be included in the node, as the node is already assembled and connected in the network.

Furthermore, even under the assumption that the communication modules in Haulin (CM_1, ... CM_n) are selected based on their description data and product blueprint, an assumption that applicants neither admits nor agrees with, still such selection would not result in the claimed invention. The communication modules in Haulin are independent of each other do not use product intranet to exchange

messages with each other. In fact, Haulin clearly states that a communication module CM_1 receives data from the portable software carrier (130) through an interface I_W. *See Haulin at paragraph [038].* The portable software carrier (130) is connected outside of the node (110). *See Haulin Fig.1.* In direct contrast, as recited in claim 1, all the electronic reusable modules are arranged in a product hosing, and transmit and receive wireless messages according to a product intranet.

With regard to claim 9:

Claim 9 recites, in part, "a housing having a plurality of electronic modules each having radio unit for transmitting and receiving wireless messages according to a product intranet, and wherein at least one of the modules is a primary module having; a memory for storing a product intranet blueprint;"

The Office action asserts that the Haulin's portable software carrier (130) implies that the modules are arranged within a housing and the first digital storage unit (M1) reads on the second claimed feature. Applicant respectfully disagrees.

It is clear from Fig. 1 in Haulin's disclosure that the software carrier (130) and the first digital storage unit (M1) reside in different products (e.g., a laptop computer and a node). Thus, the elements that the Office action refers to are not part of the same housing product as claimed by the applicants. In addition, as argued above, the communication modules within the node (110) in Haulin's system do not communicate with each using a product intranet. In fact, Haulin clearly states that a communication module CM_1 receives data from the portable software carrier (130) through an interface I_W. *See Haulin at paragraph [038].* Thus, it is respectfully submitted that Haulin teaches away from the claimed invention.

With regard to claim 13:

Claim 13 recites, in part, "a radio unit for receiving a product intranet blueprint and for transmitting and receiving wireless messages from other electronic modules arranged in a product housing according to a product intranet" and "microcontroller for establishing said product intranet in accordance with said blueprint."

The Office action asserts that the portable software carrier (130) and bi-directional interface I_W in Haulin's system read on the cited features. Applicants respectfully

disagree. It is clear from Fig. 1 of Haulin that the software carrier (130) and the interface reside in different products (e.g., a laptop computer and a node). Thus, the elements that the Office action refers to are not part of the same housing product as claimed by the applicants. In addition, as discussed above, the portable software carrier (130) and the interface I_W do not form a product intranet between the communication modules within the node (110). Thus, it is respectfully submitted that Haulin teaches away from the claimed invention.

In light of these remarks, it is believed that claims 1, 9, and 13 would not have been obvious to a person of ordinary skill in the art upon a reading of Haulin. Thus, it is submitted that claims 1, 9, and 13, and the claims dependent thereon are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of claims 6-7, 10, and 14 under 35 U.S.C. §103(a)

Claims 6-7, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Haulin in view of Lau. The rejection is respectfully traversed.

Claims 6-7 depend from claim 1, claim 10 depends from claim 9, and claim 14 depends from claim 13. Each dependent claim includes all the features of the respective base claim. Accordingly, applicants essentially repeat the above arguments. The added reference Lau does not bridge the feature gap pointed out above with respect to claim 1. In addition, applicants respectfully submit that each dependent claim is allowable by virtue of its dependency from an allowable base claim, as well as the additional subject matter recited therein and not shown in the references. Withdrawal of this rejection is respectfully requested.

Rejection of claim 11 under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Haulin in view of Lau, and in further view of Feezor. The rejection is respectfully traversed.

Claim 11 depends from claim 9 and includes all the features of base claim 9. Accordingly, Applicants essentially repeat the above arguments. The added reference Feezor does not bridge the feature gap pointed out above with respect to claim 1. In addition, applicants respectfully submit that each dependent claim is allowable by virtue of its dependency from an allowable base claim, as well as the additional subject matter recited therein and not shown in the references. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/
Brian S. Myers, Esq.
Registration Number 46,947
973-401-7157

Please direct all correspondence to:
IP Counsel
Philips Intellectual Property and Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001